

CRISTAL USA INC.,

Employer

Case No. 08-RC-188482

-and-

**INTERNATIONAL CHEMICAL WORKERS
UNION COUNCIL OF THE UNITED FOOD
& COMMERCIAL WORKERS
INTERNATIONAL UNION, AFL-CIO, CLC,**

Petitioner

**UNION'S MOTION AND REQUEST FOR AN EXTENSION OF TIME TO FILE ITS
RESPONSE TO CRISTAL USA, INC.'S REQUEST FOR REVIEW OF THE REGIONAL
DIRECTOR'S DECISION AND DIRECTION OF ELECTION**

On Friday, February 3, 2017, Cristal USA, Inc. (Employer) filed its Request for Review of the Regional Director's Decision and Direction of Election (DDE) in the above-captioned matter. Under the Board's rules, the petitioning union, the International Chemical Workers Union Council of United Food and Commercial Workers (ICWUC), has seven (7) days thereafter, currently, until February 10, 2017, to file its response to this Request for Review.

The Union is represented by the undersigned, in-house counsel for purposes of filing a Response to Cristal's Request for Review. There is only one other attorney in the ICWUC Legal Department, Robert W. Lowrey. Attorney Lowrey and his wife are leaving on a long-scheduled, week vacation, out-of-state, on Sunday, February 5, 2017, and he will not be returning to the office until Monday, February 13, 2017. The undersigned counsel will be preparing on Monday, February

6, 2017, for the arbitration of a discharge grievance of a Local Union president for ICWUC/UFCW Local 1048C near Hopewell, Virginia, scheduled for February 8; he will be traveling to and from Virginia, preparing witnesses in Virginia, and/or handling said arbitration in Virginia during February 7-9, 2017. On his return to the office on the afternoon of February 9, 2017, the undersigned counsel will be responsible for finalizing three (3) separate answers to a complaint for three of five defendants in Zakia Shabazz v. ICWUC Center for Worker Health and Safety Education, et al, Hamilton County, Ohio, Common Pleas Court Case No. A1700121 for electronic filing later that day and the filing of an answer of a fourth defendant in that case on the next day, February 10, 2017.

The undersigned counsel is also responsible for preparing affidavits and a response and counter-summary judgment motion due February 24, 2017, regarding the employer's summary judgment motion filed on February 3, 2017, in Cascade Natural Gas Corp. v. ICWUC/UFCW Local 121C, U.S. Dist. Court E.D. Wash. Case 1:16-CV-3163-SMJ.

The undersigned counsel did not conduct the hearing in the above NLRB matter (though he was involved in an earlier related hearing). Given the undersigned counsel's schedule and his co-counsel's schedule, as well as the extensive record and exhibits filed with Cristal's Request for Review, it will not be possible for the undersigned counsel to prepare an adequate response in the current time available to Cristal's Request for Review.

Consequently, the Union hereby requests an extension of one (1) week until Friday, February 17, 2017, in which to file its Response to the Employer's Request for Review in the above-captioned matter. This request is made in good faith and not for the purposes of delay. No other requests have been made.

WHEREFORE, for the reasons stated above, the Union requests that its motion for extension be granted.

/Randall Vehar
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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of February, 2017, a copy of the foregoing was electronically filed using the Board's electronic filing system and served thereby on:

Allen Binstock, Regional Director
NATIONAL LABOR RELATIONS BOARD
Region 8
1240 E. 9th Street, Suite 1695
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and served by email on:

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/s/Randall Vehar

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